MEMORANDUM

DATE: July 12, 2017

SUBJECT: Status Change for Madison Kipp Settlement Negotiations

FROM: Ken Zolnierczyk, Land and Chemical Division

TO: Peter Ramanauskas, PCB Coordinator

In our meeting with the WDNR on Thursday, June 29, 2017, the WDNR informed EPA that there were significant changes to the ongoing settlement negotiation between Madison Kipp (Kipp), the WDNR and EPA. To date, the WDNR and EPA have been working jointly with Kipp in negotiating a settlement to address PCB remediation stemming from PCB releases beneath the plant floor. However, at the last meeting EPA was informed by the WDNR and their `council, that Kipp has terminated joint negotiations with the WDNR and EPA and would proceed with only the WDNR for settlement negotiations. Not only would EPA be excluded from these negotiations, but EPA would also be prohibited from discussing settlement matters with the WDNR. What this means is that we could still be providing a coordinated approval for the State settlement, but may have to include additional items to the coordinated approval, or use more restrictive terms than those approved by the WDNR, to meet TSCA requirements and provide adequate protection to human health and the environment.

Other items from the agenda discussed are as follows:

PCB Contamination of the Rain Garden
In an effort to find the source of the recontamination of the raingarden, WDNR would be asking Kipp to sample the roof areas that feed into the storm sewer.

Construction of New Monitoring Wells
Both the WDNR and the EPA agree that the problem of unusable data due to inadequate well construction requires new monitoring wells. Also, Kipps proposal to include downstream wells in monitoring is flawed because the existing wells are not ideally located directly downstream and the positioning of their well screens do not aligned with the corresponding screening intervals of the contaminated wells.

Financial Assurance
The escrow cost estimates will vary drastically depending on using the 761(a) standards or the use of more stringent numbers derived to adequately protect the environment.